



# UNITED NATIONS



## THIRD CONFERENCE ON THE LAW OF THE SEA

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### SECOND COMMITTEE

Belgium, Denmark, France, Germany, Federal Republic of, Ireland, Italy,  
Luxembourg, Netherlands and United Kingdom of Great Britain and Northern  
Ireland: working document on the high seas

It is clear that in any comprehensive convention on the law of the sea there must be included articles setting out the rights and duties of States on the high seas. Such rights and duties are at present codified in the Geneva Convention on the High Seas 1958. It is likely that some provisions of that Convention will need some modification in the light of the conclusions reached by this Conference. However, it is the view of the co-sponsors that the principles and provisions contained in the High Seas Convention are otherwise valid, must remain in force for areas beyond the territorial sea, and should be incorporated in any new comprehensive convention on the law of the sea adopted by this Conference.

Meanwhile the co-sponsors wish to propose additions to the High Seas Convention not directly related to the other matters under discussion at this Conference. These additions are contained in the draft articles set out below.

(The numbering of these articles corresponds to that of relevant articles in the 1958 Geneva Convention on the High Seas.)

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Article 6 bis

1. Every State is obliged effectively to exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
  2. In particular, the flag State shall, in addition to its obligations under article 10 below, take the following action in respect of ships flying its flag:
    - (a) maintain a register of shipping containing the names and particulars of ships flying its flag;
    - (b) cause each such ship, before registration and thereafter at the intervals prescribed by international regulations, to be surveyed by a qualified surveyor of ships;
    - (c) ensure that each such ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size and equipment of the ship;
    - (d) ensure that each such ship has on board adequate charts, nautical publications and navigational equipment and instruments appropriate for the safe navigation of the ship;
    - (e) cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State, or serious damage to shipping or installations of another State or to the marine environment;
    - (f) assume jurisdiction under its municipal law over each such ship and over the master, officers and crew in respect of administrative, technical and social matters concerning the ship; and
    - (g) take the necessary measures to ensure that the master and officers are fully conversant with and are required to observe the appropriate applicable international regulations concerning the safety of life at sea, the prevention and control of marine pollution, the prevention of collisions and the maintenance of communications by radio.
- Without prejudice to paragraph 1 of this article, the requirements of this paragraph do not apply to ships or boats which are excluded from generally accepted international regulations on account of their small size.
3. The flag State, in taking measures required under paragraph 2 above shall conform to generally accepted international regulations, procedures and practices.
  4. A State which has reasonable grounds to suspect that proper jurisdiction and control has not been exercised in accordance with this Convention may report the facts

to the flag State and request it to investigate the matter further. Upon receiving such a request, the flag State shall investigate the matter, take any action necessary to remedy the situation and notify the requesting State of the action taken.

5. The flag State shall co-operate in the conduct of any inquiry held in another State into any marine casualty or incident of navigation causing loss of life or serious injury to nationals or damage to ships or other installations of that other State, or to the marine environment.

Article 10 1/

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard inter alia to:

(a) the use of signals, the maintenance of communications and the prevention of collisions;

(b) the manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(c) the construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

3. A State which has reasonable grounds for suspecting that such measures have not been taken may report the facts to the flag State and request it to investigate the matter further. Upon receiving such a request, the flag State shall investigate the matter, take any action necessary to remedy the situation and notify the requesting State of the action taken.

Article 21 bis

1. All States shall co-operate in the suppression of illicit traffic in narcotic drugs by ships on the high seas, contrary to international conventions.

2. Any State which has reasonable grounds for believing that a vessel is engaged in illicit traffic in narcotic drugs may, whatever the nationality of the vessel but provided that its tonnage is less than 500 tons, seize the illicit cargo. The State which carried out this seizure shall inform the State of nationality of the vessel in order that the latter State may institute proceedings against those responsible for the illicit traffic.

3. Any State which has reasonable grounds for believing that a vessel flying its flag is engaged in illicit traffic in narcotic drugs, may request the co-operation of another State to put an end to this.

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1/ The close relationship between articles 6 bis and 10 might enable them to be combined at a later stage if this were considered desirable.

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Article 21 ter

1. All States shall co-operate in the repression of unauthorized broadcasting from the high seas.
2. "Unauthorized broadcasting" consists of the transmission of sound radio or television broadcasts from a ship or installation on the high seas intended for reception by the general public contrary to international regulations, but excluding the transmission of distress calls.
3. Any person engaged in unauthorized broadcasting from the high seas may be prosecuted before the Court of the flag State of the vessel, the place of registry of the installation, the State of which the person is a national, any place where the transmissions can be received or any State where authorized radio communication is suffering interference.
4. On the high seas, any of the States having jurisdiction in accordance with paragraph 3 above may, in conformity with article 22 below, arrest any person, or ship engaged in unauthorized broadcasting and seize the broadcasting apparatus.

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